

### REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 23-37 and 39-44 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action alleged that recitations such as "in the form of" on line 16 of claim 23 render the claims indefinite because it is unclear if the sealing body actually is an endless bead or merely has the appearance of an endless bead.

In response to this objection, claim 23 was amended to change "in the form of" to "having the form of."

Recitations such as "moulded" on line 2 of claim 24 should be changed to their customary U.S. spelling. In response to this objection, claims 24, 25, 28, 31, and 41 were amended to correct the spelling of "molded" or "molding" or "injection-molding."

Recitations such as "the unfoamed boundary layer" on line 5 of claim 36 render the claims indefinite because they lack antecedent basis. In response to this objection, amendments were

made to claim 36 to recite "solid boundary layer" and "foamed porous central layer."

Recitations such as "by injection moulding therearound" on lines 4-5 of claim 41 are grammatically awkward and confusing.

In response to this objection, claim 41 was amended to recite "injection molding around said inserts."

Recitations such as "an outer skin" on line 4 of claim 44 render the claims indefinite because it is unclear if the applicant is referring to one of the solid boundary layers set forth above or is attempting to set forth another layer in addition to the ones set forth above.

In response to this objection, claim 44 has been amended to cancel "an outer skin" and to insert "the solid boundary layer."

For all the reasons set forth above, claims 23-37 and 39-44 are firmly believed to be in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

With respect to the rejection of the claims under 35 U.S.C. Section 103(a), the Applicant respectfully responds as follows.

It is respectfully submitted that the claimed invention is not obvious because four, or more, prior art references are needed to allege that the claimed structural features of the subject matter of the invention are known.

The Patent Examiner states that newly cited *Fillmann* (U.S. Patent No. 3,972,664) "discloses a motor vehicle internal element 12."

Actually, however, *Fillmann* does not disclose anything about a motor vehicle internal element at all. In particular, *Fillmann* does not mention any motor vehicle door internal element.

*Fillmann* actually discloses a method and an apparatus for the intermittent manufacture of multi-layer shaped thermoplastic parts with a foamed core and an unfoamed shell, where at first a part of an unfoamed plastic and later a plastic that contains a foaming agent is injected simultaneously with additional unfoamed plastic into a mold through a central nozzle and a ring nozzle that surrounds the central nozzle.

It is respectfully submitted that the Patent Examiner has not considered all features of claim 23.

The solid boundary layers (52) and the foamed, porous central layer (54) of the motor vehicle door internal element

according to claim 23 are made of the same thermoplastic material ("including foaming agent") and define one single body, produced by a single foaming process, wherein said solid boundary layers (52), produced by said single foaming process are formed integrally with each other at the end face (15) of the motor vehicle door internal element (3).

That is, the solid boundary layers (52) are made of a thermoplastic material including foaming agent (see page 9, last paragraph and page 10, lines 1-4).

In contrast thereto, *Fillmann* discloses the use of two different plastics, namely a first unfoamed thermoplastic material, which is fed through the channel 11 to the annulus 9 of the injection head 1, and a second plastic which contains a foaming agent and is fed through channel 7 and the annulus 8 of the injection head 1 (see column 1, lines 28-42) (=technical background); column 2, lines 3-7 and 17-20, and column 3, lines 1-14; page 14, line 12 to page 16, line 2).

None of the references cited by the Patent Examiner discloses a single body produced by a single foaming process, wherein said body is defined by solid boundary layers and a foamed, porous central layer, and wherein the solid boundary layers are produced by said single foaming process and are formed integrally with each other at an end face of the single body.

*Fillmann* does not recognize nor solve the problem of producing a lightweight motor vehicle door internal element which serves as a support for functional parts like loudspeakers, a window lifter motor and the like. In particular, *Fillmann* does not deal with the problem of increasing the strength to weight ratio of a motor vehicle door internal element.

As disclosed on page 15, last paragraph of the description, the motor vehicle door internal element according to the present invention may have an overall component thickness of approximately 5 mm only.

The method taught by *Fillmann* requires a mold with a relative thick cavity in order to produce a uniform and continuous shell 14 and to avoid an interruption of the shell. Thus, this known method is not suited for producing motor vehicle door internal elements which due to the narrow space conditions in a motor vehicle door, must be thin like metal sheets (e.g. 5 mm thick), and in addition, must be stable in order to serve as a support for functional parts like loudspeakers, a window lifter device and the like.

For this reason, it would not have been obvious to one of ordinary skill in the art to provide the motor vehicle door internal element of *Basson et al.* with the sandwich construction

taught by *Fillmann*.

Even if a person of ordinary skill in the art would provide *Basson et al.* with the sandwich structure taught by *Fillmann*, said person will not obtain a lightweight motor vehicle door internal element as defined in claim 23. In this case, the person would obtain a relative thick multi-layer shaped element with a foamed core and an unfoamed shell made of two different plastics.

Newly cited *Isaksen (U.S. Patent No. 5,560,967)*, discloses a sound absorbing water deflector for use in a motor vehicle door. This water deflector comprises a sheet (20) of ether type open cell urethane foam having opposite side faces to which are bonded thin sheets (26 and 27) of high strength octane type linear low density polyethylene film.

This known water deflector does not have the strength to serve as a support for functional parts like a window lifter, loudspeakers and the like. Furthermore, the thin boundary layers (26 and 27) and the foamed, porous central layer (20) are made of different materials.

The Office Action on Page 3 states that the primary reference *Basson et al.* is silent concerning boundary layers and a foamed central layer. The deficiencies in the teachings of the

primary reference to *Basson et al.* are not overcome by the disclosures of the other cited secondary references, namely, the *European Patent Publication No. 811, 516, Staser '096, Jackson, Van Order, Scheck, Bertolini, Tabares, and Ishikawa.*

This is because none of these prior art references teach, suggest, or disclose a motor vehicle door internal element (3), wherein these solid boundary layers (52) and the foamed, porous central layer (54) are made of the same thermoplastic material and define one single body, produced by a single foaming process, wherein said solid boundary layers (52), produced by said single foaming process, are formed integrally with each other at an end face (15) of the motor vehicle door internal element (3).

For all these reasons, the subject matter defined in claim 23 involves an inventive step and was not rendered obvious by the cited references at the time the invention was made to a person of ordinary skill in the art to which said subject matter pertains.

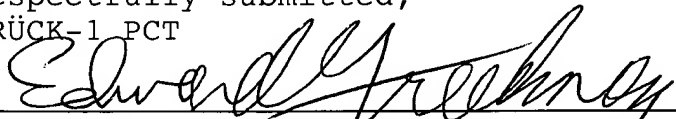
For all the reasons set forth above, the present invention, and all the claims, are believed to be patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner.

Withdrawal of this ground of rejection is respectfully

requested.

In view of these amendments, it is firmly believed that the present invention, and all the claims, are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. A prompt Notification of Allowability is respectfully requested.

Respectfully submitted,  
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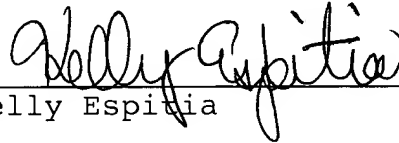


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Enclosures: 1. Copy of Petition for Three Month Extension of Time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 2, 2007.



Kelly Espitia